PTO/SB/33 (07-05)
Approved for use through xx/xx/200x. OMB 0651-00xx
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PRE-APPEAL BRIEF REQUEST FOR REVIEW

	Docket Number (Optional)
	50277-2235

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)]	Application Number 10/648,600	Filed August 25, 2003
On February 9, 2007 Signature _Darci Sakamoto_ Typed or printed name Darci Sakamoto	First Named Inventor Namit Jain	
	Art Unit 2165	Examiner Radtke, M.

Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.

This request is being filed with a notice of appeal.
X

The review is requested for the reason(s) stated on the attached sheet(s).
    Note: No more than five (5) pages may be provided.
Remarks Accompanying Request for Pre-Appeal Brief Review (5 pages)

I am the

☐ applicant/inventor.

☐ assignee of record of the entire interest.
See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed.
(Form PTO/SB/96)

☒ attorney or agent of record.
Registration number 50,266

☐ attorney or agent acting under 37 CFR 1.34.
Registration number if acting under 37 CFR 1.34

_____
Signature

Christian A. Nicholes
Typed or printed name

408/414-1080
Telephone number

February 9, 2007
Date

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required.
Submit multiple forms if more than one signature is required, see below*.

☒ *Total of 1 forms are submitted.

This collection of information is required by 35 U.S.C. 132. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

Copyright 2005 Forms in Word (www.formsinword.com).
Multiuse License for one branch office only

REMARKS ACCOMPANYING REQUEST FOR PRE-APPEAL BRIEF REVIEW

As will be seen from the discussion below, there are clear errors of fact in the Examiner's rejections.

Claim 1

Among other features, Claim 1 recites, "determining one or more second values **that correspond to one or more hidden columns of one or more tables in said database.**" Skinner does not disclose, teach, or suggest anything about "hidden columns" of a database table. The portion of Skinner that refers to database table creation begins at col. 37, line 9, and ends at col. 39, line 6. The notion of "hidden columns" is not found anywhere in this text.

The Office Action relies on col. 20, lines 24-27 of Skinner as allegedly disclosing "hidden columns of a database table." This portion of Skinner actually refers to "private" and "protected" states of **class elements**. Reasons why a value of a "private class element" does not necessarily need to correspond to a "hidden column of a database table" were presented in the reply to the previous Office Action.

The rejection of Claim 1 appears to be based on a misunderstanding of what the definition of a "private" or "protected" class element is. A definition of these terms in the object-oriented programming language context is given, for example, in *Essentials of the Java Programming Language: A Hands-On Guide, Part 2*, which can be viewed on-line at "java.sun.com/developer/onlineTraining/Programming/BasicJava2/oo.html#access". The fact that *Essentials* is made available by the same entity to which Skinner is assigned (Sun Microsystems, Inc.) should give *Essentials* some measure of credibility.

In the subsection titled "Fields and Methods," *Essentials* says:

> Fields and methods can be declared **private, protected**, public, or package. If no access level is specified, the field or method access level is package by default.
> ... **private: A private field or method is accessible only to the class in which it is defined. ... protected: A protected field or method is accessible to the class itself, its subclasses, and classes in the same package. ...** public: A public field or method is accessible to any class of any parentage in any package. ... package: A package field or method is accessible to other classes in the same package.

Therefore, although the "private" or "protected" declaration of a class element influences which **other classes** can access (i.e., inherit) that class element, the "private" or "protected" declaration has absolutely no bearing on whether the values of that element are **visible** to any **user**. Since the "private" declaration of a class element has absolutely no bearing on whether the values of that class element are visible to **users**, there is no reason for a "private" class element to correspond to a hidden column of a database table or for the values of such a class element to be stored in such a hidden column.

Indeed, when an object is instantiated from a class that declares one of its elements to be "private," the value of the private element of that object **is as visible** to users as the values of elements that have been declared to be "public." A class element's values are **not** hidden from **users** even if that class element has been declared to be "private."

With an accepted understanding of the meaning of the terms "private" and "protected" as used in Skinner, it should be clear why the "private" or "protected" nature of a class element has nothing to do with hidden columns of database tables. Skinner does not disclose, teach, or suggest "determining one or more second values **that correspond to one or more hidden columns of one or more tables in said database**"

as recited in Claim 1. Therefore, Claim 1 is patentable over Skinner under 35 U.S.C. § 102(b).

The Examiner takes the position that values of hidden columns and values of private class members are both "hidden" from a user's point of view, and that, as a result, private class members are essentially the same as hidden columns. However, the discussion above shows that the values of private class members are **not**, by definition, hidden from a user's point of view. Furthermore, although it is true that values of hidden columns of a database table are hidden from a user when the user queries a table that contains such columns, it does not logically follow that everything that is hidden from a user must necessarily be a hidden column of a database table.

Private members of a class simply are **not** the same as hidden columns of a database table, and anyone of ordinary skill in the arts of object-oriented programming and databases knows that they are not the same. Skinner cannot anticipate Claim 1 under 35 U.S.C. § 102 unless Skinner **actually discloses** all of the features of Claim 1. Skinner simply does not do so. The Examiner's burden of showing that Skinner actually discloses exactly the same features as are recited in Claim 1 simply has not been met. It is not enough for Skinner to disclose something that the Examiner thinks might have some characteristics in common with hidden columns of a database table.

Although there are, no doubt, innumerable things that have one or more characteristics in common with hidden columns of a database table, these common characteristics do not make these things the same as, or substitutable for, hidden columns of a database table. From the perspective of one of ordinary skill in the art, it is a **clear** error of fact to say that private members of an object-oriented class are the same thing as

hidden columns of a database table, regardless of whether both involve some "hiding" properties.

Claim 12

Among other features, Claim 12 recites, "a client application receiving data that conforms to a first type definition that indicates two or more first attributes, wherein at least one of said two or more first attributes is of a type that is defined by a second type definition that indicates two or more second attributes." In other words, Claim 12 requires that at least one of the attributes of the type to which the data conforms must itself be of a type that comprises multiple attributes. The Office Action alleges that Skinner discloses this feature in col. 16, lines 48-49, which read, "In step 400, the schema describing the data classes to be used in the system is obtained." The cited text does not indicate that the data classes have the specific qualities of the data recited in Claim 12.

The Office Action responds by saying that Skinner discloses multiple inheritance. However, Claim 12 does not say "inheritance." Instead, Claim 12 refers to two separate type definitions. Significantly, **one of the attributes of** the first type definition must be of a type that is defined by the **second type definition**. Also significantly, the second type definition **must** indicate **two or more attributes**. So, Claim 12 cannot be anticipated by Skinner under 35 U.S.C. § 102(b) if Skinner does not disclose, at least, a type that has two or more attributes, at least one of which attributes must be of a type that also has two or more attributes. Regardless of whether Skinner discloses multiple inheritance, the disclosure of multiple inheritance does not imply the disclosure of type definitions having the qualities recited in Claim 12. One may define a class that inherits

from multiple classes **without** ever defining type definitions of the kind recited in Claim 12.

For at least the above reasons, the Applicants respectfully submit that Claim 12 is patentable over Skinner under 35 U.S.C. § 102(b).

Dependent Claims

By virtue of their dependence upon at least one of Claim 1 and Claim 12, the remaining dependent claims inherit those features of Claim 1 or Claim 12 that have been distinguished from Skinner above. Therefore, the remaining dependent claims are also patentable over Skinner under 35 U.S.C. § 102(b) for at least the reasons discussed above in connection with Claim 1 or Claim 12.

Applicants respectfully request that the rejections of all of the pending claims be reversed.